



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 204]

CHENNAI, FRIDAY, MAY 22, 2020
Vaikasi 9, Saarvari, Thiruvalluvar Aandu-2051

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 21st May 2020 is hereby published for general information:—

TAMIL NADU ORDINANCE No. 3 OF 2020.

An Ordinance to provide for the establishment of a Foundation for making long-term arrangements for the conversion of 'Veda Nilayam', the residence of former Chief Minister of Tamil Nadu, Puratchi Thalaivi Dr. J. Jayalalithaa (Late) at Poes Garden, Chennai into a Memorial, for upkeep and management thereof, and for the matters connected therewith or incidental thereto.

WHEREAS, the Hon'ble Chief Minister of Tamil Nadu announced on 17.08.2017 that 'Veda Nilayam', the residence of former Chief Minister of Tamil Nadu, Puratchi Thalaivi Dr. J. Jayalalithaa (Late), situated at Poes Garden, Chennai, be converted as a Memorial and opened to the public, in remembrance of her achievements and sacrifices for the people of Tamil Nadu;

AND WHEREAS, action to acquire the aforesaid land and building has been initiated by the State Government under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). After completing the Social Impact Assessment, preliminary notification under Section 11(1) of that Act was published on 28.06.2019 and a declaration that the said land and building are needed for conversion as a Government Memorial has also been published on 06.05.2020 under Section 19 (1) of the said Act;

AND WHEREAS, it will take some more time for the State Government to complete the acquisition proceedings under the said Central Act 30 of 2013 and to take possession of 'Veda Nilayam';

AND WHEREAS, as on date, there is no declared legal heir to Dr. J. Jayalalithaa, former Chief Minister of Tamil Nadu, and as the aforesaid land and building including the movable items therein such as furniture, books, jewels, etc., are in a state of disuse for more than three years, it is imminently necessary to prevent them from being spoilt and ruined due to lack of proper maintenance;

AND WHEREAS, the State Government have decided to temporarily transfer the Veda Nilayam, including the movable items therein to the State Government for its upkeep and management, till the land acquisition proceedings are duly completed and possession is taken by the State Government under the said Central Act 30 of 2013, and to establish a Foundation and entrust the 'Veda Nilayam' to it, to make long term arrangements for its conversion into a Memorial;

AND WHEREAS, the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

AND WHEREAS, instructions of the President have been obtained in pursuance of the proviso to clause (1) of Article 213 of the Constitution;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

Short title and
Commence
ment.

1. (1) This Ordinance may be called the Tamil Nadu Puratchi Thalaivi Dr. J. Jayalalithaa Memorial Foundation Ordinance, 2020.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) "Claims Commissioner" means the Claims Commissioner appointed under Section 10;

(b) "Foundation" means the Puratchi Thalaivi Dr. J. Jayalalithaa Memorial Foundation established under section 4;

(c) "Government" means the State Government;

(d) "prescribed" means prescribed by rules made under this Ordinance;

(e) "property" means 'Veda Nilayam', the residence of former Chief Minister of Tamil Nadu Puratchi Thalaivi Dr.J.Jayalalithaa (Late), situated at Poes Garden, Chennai, more particularly specified in Part-A of the Schedule and includes the movable properties like books, furniture, jewels and other items specified in Part-B of the Schedule;

(f) "Schedule" means the Schedule to this Ordinance.

Temporary
possession
of immovable
property
and transfer
of movable
properties to
Government.

3. (1) The possession of the immovable property specified in Part-A of the Schedule, shall, by virtue of this Ordinance stand temporarily transferred to the Government.

(2) The right, title and interest of any person, in relation to the movable properties specified in Part-B of the Schedule, shall also, by virtue of this Ordinance, stand transferred to, and vest in, the Government.

(3) Upon completion of the acquisition of the property specified in Part-A of the Schedule under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and vesting of that property with the Government, the Government may, by notification, transfer the immovable property specified in Part-A and the movable properties specified in Part-B of the Schedule, to the Foundation.

Central Act 30
of 2013.

(4) The Government shall value the movable properties specified in Part-B of the Schedule and shall deposit the amount with the Claims Commissioner.

4. (1) The Government may, by notification, establish, for the purpose of this Ordinance, a Foundation, to be called the Puratchi Thalaivi Dr. J. Jayalalithaa Memorial Foundation.

Establishment
of
Foundation.

(2) The Foundation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Foundation shall consist of the following members, namely:—

- (a) Hon'ble Chief Minister - Chairperson;
- (b) Hon'ble Deputy Chief Minister;
- (c) Hon'ble Minister (Information and Publicity);
- (d) Secretary to Government, Finance Department;
- (e) Secretary to Government, Tamil Development and Information Department;
- (f) Chief Engineer (Buildings), Public Works Department;
- (g) The Director of Museums;
- (h) Four persons to be nominated by the Government;
- (i) The Director of Information and Public Relations — Member Secretary.

(4) The tenure of the nominated members shall be for a period of three years and they shall be eligible for re-nomination.

(5) (a) The Foundation shall,—

(i) take necessary steps to maintain the immovable property specified in Part-A of the Schedule in good condition, and shall also undertake repairs, wherever necessary;

(ii) take necessary steps for the maintenance, upkeep and safety of all the movable properties specified in Part-B of the Schedule;

(iii) take such precautionary measures as it deems fit to protect the property from theft, fire or other damages;

(iv) prepare an action plan for conversion of the property into a Memorial and send it to the Government for approval;

(v) take necessary action to convert the property into a Memorial, on transfer of the property to the Foundation under sub-section (3) of Section 3 and on approval of the action plan.

(b) The Foundation shall be entitled to receive donations and grants from any person including the Government, and shall also be entitled to raise funds in any manner as it deems fit.

Salary and
allowances.

5. The Chairperson and other members of the Foundation shall not be entitled to any salary and allowances:

Provided that the nominated members shall be paid such fees and allowances, as may be prescribed.

Meetings.

6. (1) The Foundation shall meet at least once in a year at such time as may be fixed by the Chairperson of the Foundation.

(2) All the decisions at any meeting of the Foundation shall be taken by a majority of the members present and voting:

Provided that in case of equality of votes, the Chairperson of the Foundation shall have a casting vote.

Vacancies,
etc., not to
invalidate
proceedings
of the
Foundation.

7. No act or proceeding of the Foundation shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Officers of
Foundation.

8. (1) The Government may appoint an officer not below the rank of Joint Secretary to Government as Secretary to the Foundation to exercise such powers and perform such duties under the Chairperson of the Foundation as may be prescribed or as may be delegated to him by the Chairperson.

(2) The term of the office and other conditions of service of the Secretary shall be such as may be prescribed.

(3) Subject to such control, restrictions and conditions as may be prescribed, the Foundation may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

Committee of
Management.

9. (1) For the purpose of managing the affairs of the Foundation, the Foundation may, by resolution passed at a meeting, appoint a committee of management, and entrust to it such powers, duties and functions, as may be specified in such resolution.

(2) The Foundation may, by resolution, appoint any person as a member of the committee of management, whether such person is a member of the Foundation or not, and may, from time to time, vary or rescind any resolution passed by it under this section.

Appointment
of Claims
Commissioner.

10. (1) The Government shall, for the purpose of deciding the claim of any person over the property, by notification, appoint a Claims Commissioner.

(2) The Claims Commissioner may regulate his own procedure for receiving and deciding the claims.

(3) Any person having a claim over the property may make a claim to the Claims Commissioner within ninety days from the date of appointment under sub-section (1):

Provided that if the Claims Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of ninety days, he may entertain the claim within a further period of sixty days and not thereafter.

Chairperson,
Members,
etc. of
Foundation
to be public
servants.

11. The Chairperson and members of the Foundation and the Claims Commissioner, Secretary and other officers and employees of the Foundation shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act XLV
of 1860.

12. No suit, prosecution or other legal proceedings under this Ordinance shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers.

Protection of
action taken
in good faith
by any public
servant.

13. (1) The Government may, by notification, make rules to carry out the provisions of this Ordinance.

Power to make
rules.

(2) All rules made and notifications or orders issued under this Ordinance shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(3) Every rule made or notification or order issued under this Ordinance shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly.

14. If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Ordinance as appear to them to be necessary or expedient for removing such difficulty.

Power to
remove
difficulties.

15. The Government may, from time to time, give such directions as it may deem fit for giving effect to the provisions of this Ordinance.

Power to give
directions.

THE SCHEDULE.

(See section 3)

PART-A.

The Immovable Property.

Taluk	:	Mylapore
Town	:	Mylapore I
Block No.and Survey No.	:	Block No.31, Survey No.1567/50
Municipal Door No.	:	36/81
Classification of Land	:	Ryotwari Manai Quit Rent
Area	:	0.22.60.0 Sq.Mt.
Boundaries	:	North 1567/1 East 1567/1, 1567/63, 1567/64 and 1567/43 South 1567/73 West 1567/1
Structures	:	3 Storied Building (Ground + 2 Floors)
Trees	:	Mango Trees – 2, Jack Fruit Tree – 1, Coconut Trees – 5, Banana Trees – 5
Owner	:	Former Chief Minister of Tamil Nadu Puratchi Thalaivi Dr. J. Jayalalithaa (Late)

PART-B.

The Movable Properties.

Sl. No.	Name of Items	Total Numbers
1.	Gold	14 items = 4 Kg and 372 grams
2.	Silver	867 items = 601 Kg and 424 grams
3.	Silver Items (Small Utensils)	162 items
4.	Televisions	11
5.	Refrigerators	10
6.	Air Conditioners	38
7.	Furniture (Except Kitchen Racks)	556
8.	Kitchen Utensils	6514
9.	Kitchen Racks and Furniture	12
10.	Cutlery Items (Showcase)	1055
11.	Pooja Utensils	15
12.	Dress Materials / Towels / Bed Sheets / Other Cloth items / Pillow Covers / Curtains / Footwear	10438
13.	Telephones / Mobile phone	29
14.	Kitchen Electrical Items	221
15.	Electrical Accessories	251
16.	Books	8376
17.	Mementos	394
18.	Documents like License, Court documents and IT Statements	653
19.	Stationery Items	253
20.	Furnishing Accessories	1712
21.	Carry cases (Suit cases)	65
22.	Cosmetic Items	108
23.	Clocks	6
24.	Canon Xerox Machine 2525	1
25.	Laser Printer T 1588	1
26.	Miscellaneous Items	959
TOTAL		32721

21st May 2020.

BANWARILAL PUROHIT,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

On 17.08.2017, the Hon'ble Chief Minister of Tamil Nadu announced that, 'Veda Nilayam', the residence of the former Chief Minister of Tamil Nadu, Puratchi Thalaivi Dr.J.Jayalithaa (Late) will be converted as a Memorial and will be opened to the public, in remembrance of her achievements and sacrifices for the people of Tamil Nadu. To give effect to the said announcement, administrative sanction has been given in G.O. (Ms.) No.180, Tamil Development and Information Department, dated 05.10.2017 for acquisition of 'Veda Nilayam' situated in Poes Garden, Mylapore Taluk, Chennai under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). Action has already been initiated to acquire the aforesaid land and building under the said Act and a preliminary notification under section 11(1) of that Act was published on 28.06.2019 and an order over ruling the objections made thereon was issued under section 15 (3) of that Act on 22.01.2020 . A declaration that the said land and building are needed for conversion as a Government Memorial has also been published on 06.05.2020 under section 19(1) of the said Act.

2. The completion of acquisition proceedings under the said Act will take some more time. As on date, there is no declared legal heir to Dr.J.Jayalithaa, former Chief Minister of Tamil Nadu. The land and building of the 'Veda Nilayam' including the movable items therein such as furniture, books, jewels, etc., are in a state of disuse for more than three years and hence it is imminently necessary to prevent them from being spoilt and ruined due to lack of proper maintenance. The Government have, therefore, decided to temporarily transfer the 'Veda Nilayam', including the movable items therein to the Government for its upkeep and maintenance, till the land acquisition proceedings are duly completed and possession is taken by the Government under the said Central Act 30 of 2013 and to establish a Foundation to make long term arrangements for its conversion into a Memorial.

3. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government,
Law Department.